

### REMARKS

Applicant has amended claim 1 to recite use of more than a single gene for the screening assay for gene modulating activity. Limitation to one of the disclosed sequences (SEQ ID NO: 1-2276) is recited in claim 2. In addition, claim 36 has been cancelled and replaced by new claim 52.

Improper multiple dependency of claim 39 has been removed so that claim 39 now depends only from claim 38 while new claim 47 recites the limitation of claim 39 but depends from claim 37. Multiple claim dependencies of claim 5, 11, 12, 13, 14 and 15 have been removed, as have multiple claim dependencies of claims 18, 21, 22, 23, and 24. Finally, new claim 51 limits the gene of claim 1 to one of the disclosed nucleotide sequences.

Applicant includes herewith a request for a 3 month extension of time to respond plus a check to cover the fee. The Commissioner is authorized to charge payment of any additional filing fees required under 37 CFR 1.16 associated with this communication or credit any overpayment to Deposit Account No. 03-0678.

#### FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents  
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*5/7/03*  
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Respectfully submitted,

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